

Title 33: River and Waters

Part 204: Regulations Pertaining To Use Of The Reservoir Project Area For Commercial Or Residential Purposes

Part 204 Chapter 1: Definitions.

Rule 1.1 Trips: One direction vehicle movement, either exiting or entering, inside a study site.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 1.2 Horizon Year: The estimated year of complete build-out or full use of a proposed development. As a minimum, this shall be two years from application submittal.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 1.3 Impact: The traffic generated to a proposed development will add traffic to the surrounding street network, changing the existing traffic patterns, operations and safety concerns.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 1.4 Average Daily Traffic (ADT): A measure of 24-hour traffic volume for normal daily traffic flow conditions.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 1.5 Peak-Hour Movements: A measure of the higher volume movement on a street or at an intersection during normal daily traffic flows.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 1.6 Level of Service: Quantitative measure describing operational conditions within a traffic stream and the perception by motorists. The conditions are measured in terms of factors such as speed, travel time, interruptions, comfort, convenience and safety. Level of service measures are to be determined as described in the *1985 Highway Capacity Manual, Special Report 209* by the Transportation Research Board or the latest edition and supporting software, or, if no longer published, such similar manual as may be selected by the General Manager.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 2: Commercial Trucks.

Rule 2.1 Restriction. It shall be unlawful to operate any commercial vehicle with a capacity of more than one ton on or across the main dam or the causeway at the Reservoir.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 2.2 Exception. Excepted from this regulation are District maintenance vehicles and equipment, public utility vehicles and buses.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 2.3 Penalty. Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 3: Tournaments, Contests and Rodeos.

Rule 3.1 Tournament Registration. It shall be unlawful to promote or hold on the waters of the Reservoir any fishing tournament, contest, rodeo or other fishing event without first registering the event with the General Manager of the District on forms prescribed for such purpose (including name of sponsor, fees payable to sponsor and others, copies of promotional material, date and times of event, areas of Reservoir involved and other relevant information).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 3.2 Payment of Fee. Additionally, it shall be unlawful to promote or hold on the waters of the Reservoir any fishing tournament, contest, rodeo or other fishing event involving fifty (50) or more boats without first securing written authorization therefor from the General Manager of the District, payment of a fee to the District in the amount of four dollars (\$4.00) for each boat involved in the tournament and providing a satisfactory certificate of public liability insurance. Authorization is discretionary.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 3.3 Written Application. For events involving fifty or more boats, written application and payment shall be received by the General Manager of the District no later than sixty days in advance of the event. For events involving fewer than fifty boats, written application shall be received by the General Manager of the District no later than thirty days in advance of the event. No event will be scheduled until receipt by the District of the complete written application and, if applicable, payment of the permit fee and delivery of certificate of insurance. Events will not be scheduled more than one (1) year in advance.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 3.4 Tax Exempt Organizations. Bona fide local civic, charitable, cultural and governmental organizations not operated for profit for federal income tax purposes who verify in writing to the District that one hundred percent of the funds payable from participants, sponsors and others in the event will be paid to the organization and used in sponsoring the event and in furthering the tax exempt purposes of the organization, are exempt from payment of the permit fee but are subject to all other provisions of this section.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 3.5 Scheduling. Fishing tournaments, contests, rodeos and other fishing events shall be scheduled to encompass any weekend of the month unless the Board of Directors has declared certain weekends closed to such events for public health, safety or welfare as designated in the minutes of the Board from time to time.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 3.6 Penalty. Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars (\$1,000).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 4: Licensing And Insurance Requirements With Reference To Operation Of Commercial Vessels On The Reservoir.

Rule 4.1 Commercial Vessel. For purposes of these Regulations, the term "commercial vessel" shall be deemed to mean any power driven vessel carrying more than six (6) passengers exclusive of crew and offered for rental, charter or hire, with operator and crew furnished, in, along, upon or around the Reservoir in Hinds, Madison, Rankin, Scott or Leake Counties, Mississippi.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.2 Operator's License. It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless the operator of such vessel shall have in his possession and available for examination at all times when the vessel is being operated a current license to operate a commercial vessel on the Reservoir issued by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.3 Certificate of Inspection. It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless each person, firm or corporation shall have on file with the Mississippi Department of Wildlife, Fisheries and Parks and the District a current Certificate of Inspection with respect to such vessel from an approved registered naval architect or approved marine engineer in accordance with the Rules and Regulations of the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.4 Licensed Crew. It shall be unlawful for any commercial vessel to be operated on the Reservoir unless she shall have in her service and on board a currently licensed operator of commercial vessels and such crew as required by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.5 Commercial Privilege License.

(a) It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless such person, firm or corporation shall have obtained from the Board of the District a non-exclusive commercial privilege license for such commercial vessel. The application for such privilege license shall be accompanied by evidence of compliance with the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks, together with a current Certificate of Inspection and Operator's License as required by the Mississippi Department of Wildlife, Fisheries and Parks.

(b) Such privilege license may be granted upon the payment to the District of an annual fee of Ten Dollars (\$10.00) per head of safe-carrying capacity of the commercial vessel as stated in the vessel's Certificate of Inspection, but in no case less than Two Hundred Fifty and No/100 Dollars (\$250.00).

(c) Such privilege license shall be valid for a period of one (1) year from the date of issuance or such shorter period as the Board of the District may specify; provided that such license may be revoked prior to the expiration thereof whenever inspection reveals any matter which would have resulted in denial of a license and such license shall be considered automatically terminated in the event of any violation of the Rules and Regulations with reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks. By accepting a license, the licensee shall be deemed to have consented to inspection of the commercial vessel by employees or agents of the District at such reasonable times during the term of said license as they may see fit.

(d) Application for a privilege license shall be accompanied by an application for public liability insurance to be issued by an insurance company doing business in the State of Mississippi with an acceptable *Best's* rating, with limits of not less than \$1,000,000 for all damages arising out of bodily injury to or death of one or more persons and property in any one accident, resulting from or in connection with the operation of the commercial vessel. A certificate for such insurance, including the District as an additional insured, together with a paid receipt, shall be on file in the office of the District prior to operation of the commercial vessel for rental or hire in, along, upon or around the Reservoir.

(e) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water

Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann.* § 51-9-127 (Rev. 2000)

Rule 4.6 Commercial Vessel Certification.

(a) It shall be unlawful for any person, firm or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless each person, firm or corporation shall have on file with the Mississippi Department of Wildlife, Fisheries and Parks and the District a current Certificate of Inspection with respect to such vessel from an approved registered Naval Architect or approved Marine Engineer stating that such vessel:

(i) Has been constructed and arranged in substantial compliance with the requirements of subparts 177.01, 177.05, 177.10, 177.15, 177.20, 177.30, 177.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(ii) Is in substantial compliance with the requirements as to watertight integrity and subdivision as set out in subparts 178.01, 178.10, 178.15, 178.20, 178.25, 178.30, 178.35, 178.40 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(iii) Is in substantial compliance with the requirements as to stability as set out in Subparts 179.01, 179.05, 179.10, 179.15 179.20 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(iv) Is equipped in substantial compliance with the requirements as to life saving equipment as set out in Subparts 180.01, 180.05, 180.10, 180.15, 180.20, 180.25, 180.30, 180.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(v) Is equipped in substantial compliance with the requirements as to fire protection equipment as set out in Subparts 181.01, 181.05, 181.10, 181.15, 181.20, 181.30, 181.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(vi) Is constructed and equipped in substantial compliance with the requirements as to machinery installation as set out in Subparts 182.01, 182.05, 182.10, 182.15, 182.20, 182.25, 182.30 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(vii) Is constructed and equipped in substantial compliance with requirements as to electrical installation as set out in Subparts 183.01, 183.05, 183.10 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations, as then in effect.

(viii) Is equipped in substantial compliance with the requirements as to vessel control and miscellaneous systems and equipment as set out in Subparts 184.01,

184.05, 184.10, 184.15, 184.20, 184.25 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect; the installation of suitable Citizens Band radio equipment will be considered substantial compliance with the Federal Communications Commission for purposes of the Reservoir.

(b) The maximum number of passengers permitted to be carried on a commercial vessel shall be as determined by the approved registered Naval Architect or approved Marine Engineer and shall be stated on the vessel's Certificate of Inspection.

(c) The Certificate of Inspection shall be deemed current for a period of three (3) years from and after the date on which the same shall be executed by an approved registered Naval Architect or approved Marine Engineer.

(d) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.7 Requirements As To Operator And Crew.

(a) It shall be unlawful for any commercial vessel to be operated while her Certificate from an approved registered Naval Architect or approved Engineer is in effect unless she shall have in her service and on board a currently licensed operator of commercial vessels on the Reservoir and such crew as may be necessary for her safe operation. For commercial vessels having a safe carrying capacity of forty-nine (49) or less, minimum crew shall consist of one (1) licensed operator of commercial vessels on the Reservoir and (1) deckhand at least seventeen (17) years of age, or older. For vessels having a safe carrying capacity of fifty (50) or more, the crew shall consist of one (1) or more licensed operator of commercial vessels on the Ross Barnett Reservoir and, at least, two (2) deckhands, seventeen (17) years of age, or older.

(b) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.8 Licensing Of Commercial Operators.

(a) Applicants for operator's licenses of commercial vessels shall file written application with the Mississippi Department of Wildlife, Fisheries and Parks, accompanied by satisfactory evidence that the applicant:

(i) Has successfully completed an examination administered by the United States Coast Guard, Department of Transportation, which shall include, among other things, Inland Rules of the Road, firefighting and life saving procedures and techniques, and pollution regulations applicable to the Reservoir.

(ii) Is at least twenty-one (21) years of age.

(iii) Has a certificate from a reputable physician as to the general physical condition of the applicant, stating that the applicant is under no physical or mental disability or disease, or other defect, which would render the applicant incompetent to perform the ordinary duties of a licensed operator of a commercial vessel.

(iv) Is known to three (3) reputable persons who submit written endorsements which indicate that the applicant's habits of life and character are such as to warrant them to believe that he can be entrusted with the duties and responsibilities of a licensed operator of commercial vessels.

(b) An operator's license shall be current for a period of three (3) years from and after the date the same was granted but may be extended for successive periods of three (3) years upon request for such extension accompanied by the certificate of a reputable physician and written endorsement from three (3) reputable persons, as provided in Part 204 Rule 4.8 (a) (iii) and (iv) above, together with evidence that the applicant has operated commercial vessels on the Reservoir during the preceding three (3) years.

(c) Such application for license or renewal shall be accompanied by a processing fee in such amount as shall be specified by the Mississippi Department of Wildlife, Fisheries and Parks.

(d) An operator's license may be revoked or suspended by the Mississippi Department of Wildlife, Fisheries and Parks if the holder thereof shall violate any rule or regulation of the Mississippi Department of Wildlife, Fisheries and Parks or any provision of the Boat and Water Safety laws of the State of Mississippi.

(e) From and after the effective date of this regulation it shall be unlawful for any person, firm or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless the operator of such vessel shall have his current license as an operator of a commercial vessel on the Reservoir in his possession, available for examination at all times when the vessel is being operated.

(f) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 4.9 Notice Of Accident.

(a) It shall be unlawful for the owner or person in charge of any commercial vessel involved in a boating accident to fail to give notice of such accident as soon as possible as provided in Section 59-21-51, Mississippi Code of 1972, and to furnish a copy of such notice to the General Manager of the District.

(b) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries and Parks.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 5: Regulation of Solicitors and Peddlers.

Rule 5.1 Solicitor. A solicitor is any person traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever, for future delivery, or for services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment on such sales or not.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 5.2 Peddler. A peddler is any person traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meat, fish, vegetables, fruits, truck garden or farm products or provisions, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 5.3 *Restrictions.* It shall be unlawful for any solicitor or peddler to go in or upon any public park, public recreation area, public boat ramp or fishing pier, public parking lot or other public area within the Reservoir Project Area unless he first shall have been requested or invited so to do by the District.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 5.4 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 6: Improvements.

Rule 6.1 *Restrictions.* It shall be unlawful for any person, firm or corporation without the prior written approval of the District and of the United States Army Corps of Engineers to construct or otherwise place over or in the Reservoir any dock, pier, boat slip, or any other improvement.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 6.2 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100.00).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 7: Water and Sewer Service.

Rule 7.1 *Connection Required.* It shall be unlawful for any person, firm or corporation to occupy or permit occupancy of any residence or business or commercial structure located within the Reservoir Project Area and serviced by water and sewer lines of the District unless such residence or structure is connected to the water distribution system of the District.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 7.2 *Liability for Payment.* The owner of any premises receiving service of the utility system of the District, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the cost of such utility service to such premises. All services are rendered to the premises by the District only upon the condition that such owner, lessee, occupant and/or user shall be jointly and severally liable therefor to the District.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 7.3 *Rates.* The monthly rates and amounts required to be paid for utility service shall be set by the Board of the District.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 7.4 Non-payment. Service will be discontinued to any patron of the District's utility system who fails, neglects or refuses to pay the amount billed within thirty-five (35) days of the billing date thereof. Water will not be supplied to any premises either directly or indirectly when the patron is in arrears at those premises.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 7.5 Marina Pump-Out Stations. No boat slip/pier shall be constructed or used for the purpose of mooring watercraft equipped with holding tanks unless sewer pump out facilities are provided to all slips. Such pump out facilities shall be vacuum type facilities approved by the District which serve from one to four slips from one common control point. Transient-type facilities may have the option of incorporating stationary pump-out unit(s). Additionally, all marinas must provide at least one "porta-potty" dump station. All existing boat slips/piers within public or private marinas on the Reservoir which moor water-craft equipped with a holding tank shall be modified to provide on site pump out facilities as described above on or before May 1, 2010.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 7.6 Penalty. Each violation of Part 204 Rule 7.5 shall constitute a misdemeanor and shall be punishable by a fine of One Thousand Dollars (\$1,000.00). Additionally, any marina which fails to comply with Part 204 Rule 7.5 of this regulation shall immediately cease to moor any water-craft equipped with a holding tank until the marina is in compliance with this regulation.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 8: Excessive Noise Prohibited.

Rule 8.1 Loud, Disturbing and Unnecessary Noise Generally. It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise within any inhabited portion of the Reservoir Project Area or for any person to cause any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or to cause any noise which creates a disturbance of the public peace and welfare or is a public nuisance.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 8.2 Use of Loudspeakers and Amplifiers. It shall be unlawful to operate or maintain any loudspeaker or amplifying device on the outside of any building or structure within the Reservoir Project Area whereby music, speaking or noises of any type are or may be transmitted outside the confines of a fully enclosed stone or wood structure; provided, however, that the General Manager of the District may, on being shown to his satisfaction that the operation thereof will not create an undue disturbance, grant a temporary permit to persons desiring to use loudspeakers or other electrical devices for parades or for religious, athletic, cultural, social or political gatherings to be held in any public park or public recreation area or on the waters of the Reservoir.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 8.3 Playing of Radios, Television Sets, Etc. It shall be unlawful for any person to play any radio, television set, phonograph, tape deck, compact disc player or other sound system or any musical instrument in such a manner or with such volume at any time or place, so as to annoy or disturb the quiet, comfort, repose of persons in any office or in any dwelling, hotel or other type of residence.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 8.4 Penalty. Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars (\$100).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 9: Sale and Use of Fireworks Within Reservoir Project Area.

Rule 9.1 Definition of Firework. "Firework" as used in this Chapter shall mean and include any device for producing a striking display or noise by combustion of explosive or flammable compositions.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 9.2 Prohibition of Sale of Firework. It shall be unlawful within the Reservoir Project Area to sell or offer for sale any firework from any shed, tent, stand, platform, truck, van or other fixed or movable location, or to advertise any firework for sale.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 9.3 Prohibition of Discharge of Firework. It shall be unlawful for any person, firm or corporation to ignite, burn, discharge or otherwise shoot off any firework at, upon or within any public park, public recreation area, public boat launching ramp or facility (including a neighborhood ramp), public fishing pier, public parking area, public building or ground, or public street or right of way within the Reservoir Project Area, or upon, or at any dike, levee, groin, jetty or mole appurtenant to the waters within the Reservoir Project Area, or at, upon or within any parking area for motor vehicles maintained for patrons of commercial or recreational establishments on premises held under lease from the District; provided that, notwithstanding the foregoing, a commercial lessee of the District or a licensee of a public park or public recreation area of the District, but only with the prior written approval of the Parks Policy Committee of the Board of Directors of the District specifying such conditions as may be necessary to assure the safety of the general public, may ignite, burn, discharge or otherwise shoot off fireworks at, upon or within such of the aforesaid locations within the Reservoir Project Area as may be designated in such written approval, in conjunction with a public holiday celebration or special public event. Written application for such approval must be filed with the District not less than 45 days prior to the proposed event; no applicant shall receive approval for more than two events during any calendar year.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 9.4 Penalty. Each violation of this Section shall constitute a misdemeanor and shall be punishable by a fine of not more than \$500.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 10: Execution of Commercial and Residential Leases Within Reservoir Project Area.

Rule 10.1 Form of Lease. All leasing of property within the Reservoir Project Area by Pearl River Valley Water Supply District for any commercial, residential or other purpose shall be in substance as authorized by the Board of the District and shall be evidenced by a lease agreement in form and substance approved by the attorney for the District and the staff engineer.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 10.2 Assignments of Leasehold or Leasehold Interest in Lot or Parcel. All assignments or other transfers of leasehold agreements, or leasehold interests in lots or parcels in a leasehold estate, shall be in form approved by the District and its attorney, and the District's consent or approval to such assignment or other transfer must be obtained and be noted thereon.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 10.3 Transfer Fee. No such lease agreement shall be executed and no such assignment or other transfer of a leasehold agreement or leasehold interest in a lot or parcel shall be executed, approved, consented to or processed by the District unless the lessee or assignor shall pay, or cause to be paid, to the District a fee in the sum of \$190, or such greater amount as shall be authorized by the Board of Directors of the District by resolution made a part of the minutes of the Board and filed with the Secretary of the Board.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 11: Traffic Impact Analysis Standards.

Introduction. The purpose of this regulation is to establish a uniform policy for conducting a traffic impact analysis where the anticipated traffic movements from a commercial, residential, recreational or other development are expected to impact the operations or safety aspects of streets and/or traffic control devices adjacent to the development.

Rule 11.1 Pre-Application Development. The lessee of the proposed development (the "Developer"), as part of the pre-application process, shall meet with the General Manager of the District or his designee, who will make a preliminary assessment of the traffic impact of the proposed development. This review shall include, but not be limited to, consideration of traffic control devices, site access, on-site circulation and turn lanes.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 11.2 Traffic Impact Assessment. If the proposed development meets or exceeds the following predictor variables at full build-out or usage, then traffic impact analysis will be required:

Land Use Type	ITE Code	Quantitative Threshold
Residential	210, 220, 222, 230, 270	50+ Dwelling Units
Retail	814, 815, 820	15,000+ Square Feet
Office	710, 714, 715, 750, 770	30,000+ Square Feet Bldg or 3+ acres land
Industrial	110, 120, 130, 140	40,000+ Square Feet Bldg or 9+ acres land
Educational	520, 530, 550	20,000+ Square Feet Bldg. or 250+ Students
Lodging	310, 312, 320	100+ Occupied Rooms
Medical	610	30,000+ Square Feet Bldg.

For land use types not identified in this table, the threshold values of 50 peak-hour, peak-direction trips will apply as determined by information contained in the latest edition of the *ITE Trip Generation Manual*, or, if no longer published, any similar substitute manual designated by the General Manager. The General Manager or his designee may also require a traffic impact analysis if the traffic movements to and from the development could cause operational problems or safety concerns adjacent to the site. The above threshold values shall apply to all phases of a phased project if the sum of the phases equals or exceeds the threshold values.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 11.3 Preparation of Traffic Impact Analysis. The Developer will be required to submit a traffic impact analysis prepared by a professional engineer licensed in the State of Mississippi and who has expertise in the area of traffic engineering and traffic impact analysis.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 11.4 Preliminary Plan Required. Following the execution of the lease, the Developer shall submit to the General Manager or his designee along with the preliminary plans, two copies of the traffic impact analysis report conforming to the requirements below.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 12: Traffic Impact Analysis Standards.

Rule 12.1 Form. The traffic impact analysis report shall be submitted on 8½" x 11" paper with attached drawings to be not greater than 11" x 17". If, for clarity purposes, additional larger plan-sized sheets are also necessary, they may be submitted with the report.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 12.2 Type and Extent of Traffic Impact Analysis. There will be basically two types of traffic impact analyses that are addressed below. They are 1) a moderate intensity analysis, and 2) a high intensity analysis. The analysis for high intensity traffic generation will require the same information as noted below for a moderate intensity analysis, plus additional study items addressed in Part 204 Rule 13.1. The General Manager or his designee may waive any or all of the items to be included in the traffic analysis report.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 12.3 Moderate Intensity Traffic Impact Analysis. As a minimum, the following items should be addressed in the moderate intensity traffic impact analysis report:

- (a) The type of development and anticipated use.
- (b) Map of site in relationship to street network.
- (c) Estimated date of build-out or full use (phased development potential).
- (d) The completed site plan with site access and adjacent roadway characteristics, geometrics, and traffic controls.
- (e) Existing traffic, both ADT and peak hour movements on adjacent roads and at adjacent intersections.
- (f) Existing level of service of adjacent roadways and intersections, including site access.
- (g) Trip generation, trip distribution and traffic assignments (state assumptions).
- (h) Horizon year level of service with and without proposed development, including background growth rate determination and note any committed projects.
- (i) Review any potential safety or operational concerns and address proposed improvements to reduce or eliminate problems.
- (j) Recommendations for site access or adjacent roadway improvements and traffic control modifications.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 13: High Intensity Traffic Impact Analysis.

Rule 13.1 Additional Analysis. Additional analysis may be required if the following criteria are met:

(a) A development generates more than 100 peak-hour, peak-direction trips and the level of service of the adjacent street or intersections drops to a level of service less than "C"; or the development generates more than 100 peak-hour, peak-direction trips and roadway or traffic control modifications are necessary (i.e., turn lanes, acceleration-deceleration lanes, traffic signal installations, etc.).

(b) Other operational, safety, or traffic problems that will require significant changes in roadways or traffic control measures.

(c) If it is determined that the development may be considered a high intensity impact site, the Developer/engineer will meet again with the General Manager or his designee to define a study area for the entire impact analysis report.

(i) Additional analysis that may be required for a high intensity analysis are:

(1) Capacity analysis of all signalized and unsignalized intersections.

(2) Traffic control and traffic signal warrant analysis.

(3) Site access.

(4) On-site circulation and parking.

(5) Other related traffic engineering studies (i.e., gap, delay or speed studies; accident analysis).

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 14: Implementation of Recommendations.

Rule 14.1 Implementation. After the traffic impact analysis report has been reviewed and approved by the General Manager or his designee, the Developer can then proceed with the construction drawings and specifications for required roadway and traffic control modifications/enhancements.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 15: Preparation and Approval of Contact Drawings.

Rule 15.1 Preparation and Approval. The preparation and approval of the contact drawings and specifications will follow the procedures as included in the Residential Development

Standards and Guidelines and Commercial Development Standards and Guidelines of the District, as amended or supplemented.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 16: Cell Tower Regulation.

Introduction. From time to time it is necessary for telecommunications companies (the "Companies") to construct, erect and locate cell phone towers and other facilities (the "Facilities") on property owned by the District in order to provide service to their users. It is necessary for the District to control the location of such Facilities and the consideration paid by the Companies for the right to locate in order to regulate activities on lands owned by the District and to protect the water resources and the residential, commercial, recreational and other rights and interests of the District and its leaseholders in such lands and property.

Rule 16.1 Location. The location and site of Facilities built or erected on property owned by the District shall be determined by the Board, and no such Facilities shall be built or erected without the specific approval of the Board of the site location, the consideration paid for the location and all other terms and conditions of any easement, lease, right-of-way, permit or other instrument authorizing the construction and location of the Facilities. The Companies will provide any and all maps, plats or site drawings needed by the District to make such determinations.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 16.2 Payment for Use. No easement, right-of-way, permit, lease or other instrument authorizing the location and construction or erection of Facilities on the property of the District shall be executed and delivered to the Companies except for fair market value consideration paid for the interest conveyed and containing such terms and provisions determined by the Board as reasonable and necessary to protect the water resources and the residential, commercial, recreational and other rights of the District and its leaseholders in such lands and property.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 16.3 Determination of Value. The Board shall determine the fair market value of any property interest to be conveyed to the Companies and negotiate with the companies to recover such fair market value. The Board may use appraisals, reports or other documents in determining fair market value, but is not required to do so. In instances where Facilities are to be located on lands in which a third party (or parties) has a leasehold interest, the Board shall determine what portion of the consideration paid for the right to locate Facilities on the property shall be received by the leaseholder. The leaseholder shall have the right to submit appraisals and other documents or written evidence concerning the consideration paid to the leaseholder.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Part 204 Chapter 17: Rental Property Registration and Licensing Ordinance.

Rule 17.1 Purpose. The purpose of this Rental Property Registration and Licensing Ordinance ("RPRO") is to preserve and promote the public health, safety, and general welfare of the residents, and the public generally, within the body of land (the "Reservoir Project Area") owned by the District, and to provide an efficient system to ensure that residential rental property is properly maintained. The District recognizes that the most efficient system to provide for inspections of residential rental property is the adoption and implementation of this regulation creating a program requiring the registration and licensing of rental properties.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.2 Definitions.

(a) *Apartment:* A Dwelling Unit located in a Multiple-Household Dwelling for occupancy by one (1) Household, either rented or leased to the occupants.

(b) *Boarding House:* A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.

(c) *District Building Official:* The District official designated by the Board of Directors of the District to administer and enforce RPRO, and such representatives as may be appointed by such District official.

(d) *Certificate of Compliance:* A certificate issued pursuant to RPRO by the District Building Official to ensure that a Dwelling Unit is in conformance with the provisions of RPRO.

(e) *District:* The Pearl River Valley Water Supply District, an agency of the State of Mississippi.

(f) *Condominium:* An estate in real property consisting of an undivided interest in common of a portion of a parcel of real property, together with a separate interest in space in a residential building on such real property.

(g) *Duplex:* A detached residential building designed to be occupied by two (2) or more Households living independently of each other.

(h) *Dwelling:* A building, or portion thereof, which is designed and used for human habitation.

(i) *Dwelling, Single-Household:* A detached residential building designed for occupancy by one (1) Household.

(j) *Dwelling, Multiple-Household:* A building or group of buildings, or portion thereof, that is occupied by two (2) or more Households occupying each unit

independently of each other. The term "Multiple-Household Dwelling" shall be deemed to include Duplexes, Townhouses and buildings containing Apartments or Condominiums. The provisions of RPRO shall apply both to specific Rental Units and the Owners of such Rental Units, as well as to the home owners' association or similar entity that owns, operates, manages, or maintains the Premises or Dwelling, or any portion thereof.

(k) *Dwelling Unit:* A room or group of rooms occupied or intended to be occupied as separate living quarters for one (1) Household.

(l) *Household:* One (1) person living alone, or two (2) or more persons living together as a single housekeeping unit, whether related to each other legally or not. The term "Household" shall be deemed to include domestic employees employed by such Household when such employees are on-premise residents. The term "Household" shall also be deemed to include groups occupying a Boarding House, Rooming House or similar Dwelling for group use that is not exempt under the provisions of RPRO.

(m) *Owner:* Any Person that individually, jointly, or severally with others: (1) has legal or equitable leasehold title to any Premises, Dwelling, Dwelling Unit, or Rental Unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any Premises, Dwelling, Dwelling Unit, or Rental Unit as agent of the Owner or as receiver, executor, administrator, trustee, or guardian of the estate of the beneficial Owner.

(n) *Person:* An individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity. The term "Person" shall be deemed to include any agent, assignee, receiver, executor, administrator, trustee, or guardian thereof.

(o) *Premises:* A lot, plot, or parcel of land upon which a Dwelling is located, including any other structures thereon.

(p) *Rental License:* A license issued pursuant to RPRO by the District Building Official allowing a Person to own, operate, manage or maintain a Single-Household or Multiple-Household Dwelling located in the District, which such Dwelling contains one (1) or more Rental Units.

(q) *Rental Unit:* A Dwelling Unit that is currently rented or leased to one (1) or more Tenants, at least one (1) of whom is not legally related to the Owner of such Dwelling Unit.

(r) *Rooming House:* A building where lodging only is provided for compensation to two (2) or more persons.

(s) *Same Ownership:* Ownership by the same individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity; or ownership by different individuals, firms, associations, organizations, partnerships, trusts, companies, corporations, or other legal entities; in which an associate, member, partner, trustee, or shareholder or a member of his/her family, owns a legal or equitable interest in

each firm, association, organization, partnership, trust, company, corporation, or other legal entity.

(t) *Tenant:* Any individual who occupies or has leasehold interest in a Rental Unit under a lease or rental agreement, whether oral or written, express or implied.

(u) *Townhouse:* A Multiple-Household Dwelling constructed as a series or group of attached Dwelling Units with property lines separating each unit.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.3 Applicability. The regulations contained in RPRO shall apply to all residential rental properties within the Reservoir Project Area except as otherwise provided herein.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.4 Rental License.

(a) Rental License Required. It shall be unlawful for any person to lease, operate, manage, or maintain a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area, which such Dwelling contains one (1) or more Rental Units, without a current and valid Rental License having been issued for such Dwelling. Any Person leasing, operating, managing, or maintaining one or more than one (1) such Dwelling shall obtain a Rental License for each separate location.

(b) Application. A written application for a Rental License, signed by the Owner or his/her agent, shall be filed with the District Building Official, upon a form provided by the District Building Official for such purpose. The following information shall be required in the application:

(i) The street address of the Dwelling.

(ii) The name, physical and mailing address and telephone number and, if available, telefax number, and email address of each Owner within the Same Ownership.

(iii) The name, address and telephone number, and, if available, telefax number and email address of an agent who is designated to receive notices and service of process and is authorized to grant consent for the District Building Inspector to inspect the Premises, Dwelling, Dwelling Units and Rental Units.

(iv) A license fee of one hundred dollars (\$100) per Dwelling Unit and one hundred dollars (\$100) for the Dwelling as a whole.

(v) The number and type (by bedroom) of Dwelling Units.

(vi) If the written application is signed by an agent on behalf of the Owner, written authorization must be provided documenting the agent's authority.

(c) Duration. A Rental License shall be valid for a period of one (1) year from its issuance date. An application for renewal shall be filed within thirty (30) days prior to the expiration date.

(d) Updates required. If, subsequent to the issuance of a Rental License, the Dwelling for which such Rental License was issued is modified with the effect of adding or removing Dwelling Units, such Rental License shall be updated within thirty (30) days after such modification to reflect the new number of Dwelling Units.

(e) Display. A Rental License issued pursuant to RPRO for a Multiple-Household Dwelling shall be displayed in a conspicuous place at the rental unit, to which all Tenants have access.

(f) Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area, which such Dwelling contains one (1) or more Rental Units as of the Effective Date of this Regulation, shall apply for a Rental License no later than ninety (90) days after the Effective Date of this Regulation.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.5 Compliance Standards.

Obligation to comply. The Owner of a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the District shall be responsible for complying with each of the following:

- (a) The provisions of RPRO.
- (b) All regulations of the District however titled or designated.
- (c) Building codes of the District in effect at the time building permits were issued for such Dwelling, including the building, electrical, plumbing, and mechanical codes, subject to adoption of retroactive regulations by the District.
- (d) State and federal housing laws and administrative regulations.
- (e) Judicial and administrative decrees enforcing any of the provisions of RPRO or other regulations of the District; and/or state and federal housing laws and administrative regulations.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.6 Inspection and Certification.

(a) Certificate of Compliance required. It shall be unlawful for any Person to lease, operate, manage, or maintain a Rental Unit in a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area without a current and valid Certificate of Compliance having been issued for such Rental Unit. Any person

leasing, operating, managing, or maintaining more than one (1) such Rental Unit shall obtain a Certificate of Compliance for each separate Rental Unit.

(b) Owner consent to inspection. The Owner, as a condition to the issuance of the Rental License, shall consent and agree to permit and allow the District Building Official to make the following inspections of the Premises, Dwelling, Dwelling Units, and Rental Units when and as needed to ensure compliance with the provisions of RPRO:

(i) Access to inspect all portions of the Premises and Dwelling, including common areas, storage areas, community buildings, equipment rooms, parking areas, and all other portion facilities.

(ii) Access to inspect all unoccupied Dwelling Units.

(iii) Access to inspect any Rental Unit when a complaint is filed by a Tenant of such Rental Unit or any District department to the effect that such Rental Unit may be existing in violation of any provision of RPRO.

(iv) Access to inspect any Rental Unit upon termination of a lease or rental agreement, reletting of such Rental Unit, or transfer of title to the Dwelling or any part of the Dwelling containing such Rental Unit.

(c) Inspections authorized. The District Building Official is hereby authorized to make inspections of Premises, Dwellings, Dwelling Units, and Rental Units to determine the condition of such Premises, Dwellings, Dwelling Units, and Rental Units, in order that he/she may perform his/her duties of safeguarding the safety, health, and welfare of Tenants and of the general public.

(i) Right of entry. For the purpose of making the inspections and repairs required and authorized by the provisions of RPRO, the District Building Official is hereby authorized to enter, inspect, repair, alter, and improve all Premises, Dwellings, Dwelling Units, and Rental Units in accordance with the provisions of RPRO.

(ii) Owners, by reason of the terms of the Rental License accepted by Owner, shall be deemed to have voluntarily consented and authorized the District Building Official to enter their Premises, Dwellings, Dwelling Units, and Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of RPRO.

(iii) Tenants, by reason of the terms of the Rental License, and the terms of their leases or rental agreements, shall be deemed to have consented and to have authorized the District Building Official to have access to their Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of RPRO.

(iv) Should a Tenant or Owner refuse entry, the District Building Official shall be authorized by virtue of the terms of the Rental License to secure a judicial warrant authorizing entry as authorized in this Regulation.

(d) Duration. A Certificate of Compliance shall expire upon the termination of the rental agreement or lease governing the Rental Unit for which such Certificate of Compliance was issued. Prior to reletting the unit, the Owner shall notify the District of such intent to relet and obtain a new Certificate of Compliance. The District Building Official shall have ten (10) days following such notification to complete such inspection.

(e) Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the District as of the date this Regulation is adopted shall notify the District of the existence of such Rental Unit no later than ninety (90) days after the Effective Date of this Regulation.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.7 Notice and Orders.

(a) Notice of inspection. The District Building Official shall provide reasonable advance notice to the Owner or agent as to the date and time of inspection. If such notice indicates that one (1) or more Rental Units will be inspected, the Owner or agent shall provide a copy of such notice to each affected Tenant.

(b) Notice of violation; orders to comply. Whenever the District Building Official determines that there has been a violation of the provisions of RPRO or has grounds to believe that a violation may have occurred based on a complaint filed by a Tenant or any District department to that effect, he/she shall give fifteen (15) days' notice of such alleged violation and orders to comply to the Owner or agent. Such orders shall be in writing and include the following:

(i) A description of each offending Rental Unit, Dwelling Unit, and portion of the Dwelling and Premises sufficient for identification.

(ii) A statement of the reasons for which the notice is being issued.

(iii) Correction orders allowing a reasonable time for completion of the repairs, alterations, or improvements required to bring each Rental Unit, Dwelling Unit, Dwelling, and Premises into compliance with the provisions of RPRO.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.8 Transfer of Ownership.

(a) Notification to District; new Owner's obligations. If an Owner transfers title or otherwise conveys his/her interest in a Dwelling for which a Rental License is currently issued, the new Owner shall notify the District within thirty (30) days after such sale or conveyance and provide the District with all information required of the original Owner on the application for such Rental License. The new Owner shall also designate a new registered agent to receive notices and service of process and to grant consent for the District to inspect the Premises, Dwelling, Dwelling Units, and Rental Units.

(b) Disclosure of violations and uncured orders. It shall be unlawful for the Owner of any Dwelling who has received a notice of violation and orders to comply pertaining to such Dwelling, which violation remains uncured, to transfer title to or otherwise convey his/her interest in such Dwelling unless he/she has furnished the vendee or grantee a copy of such notice and orders to comply and has given the District Building Official a notarized statement from the vendee or grantee acknowledging the receipt of the same and accepting legal responsibility for curing the violation.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.9 Suspension of Rental License and Compliance Certificate.

(a) Cause. An Owner's Rental License for a Dwelling, and Certificate of Compliance for a Rental Unit, shall be suspended if, having received written notice of a violation, the Owner fails to comply with the correction orders within the time set for correction by the District Building Official and takes no appeal.

(b) Effect of suspension. Notwithstanding any other provision of RPRO, it shall not be unlawful for any Person to continue leasing, operating, managing, or maintaining a Dwelling or Rental Unit whose Rental License or Certificate of Compliance, respectively, has been suspended. However, such Person shall not permit any new occupancies of vacant, or thereafter vacant Dwelling Units in such Dwelling, until such time as the Rental License and Certificate of Compliance are restored.

(c) Disconnection of utilities. The District Building Official may notify all public utility companies serving the Dwelling or Rental Unit that the Rental License and Certificate of Compliance have been suspended for violation of RPRO, and request that all public utility services be discontinued for such Dwelling or Rental Unit until notice of compliance is received. Any public utility company may refuse to connect any Dwelling or rental Unit until a Rental License or Certificate of Compliance is issued.

(d) Restoration. A suspended Rental License and Certificate of Compliance shall be restored upon compliance with the correction orders and request for restoration by the Owner.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.10 Rental License Fee. No Rental License shall be issued until all requirements of RPRO have been satisfied and payment made for such Rental License. The fee for a Rental License shall be one hundred dollars (\$100) per Dwelling Unit, per year, and one hundred dollars (\$100) per Dwelling as a whole, per year, and is non-refundable. Should payment be made by check or other instrument that is not honored, the Rental License for which such payment was made shall become null and void without additional action by the District. The fee shall be paid at the time the initial application is filed and at the time each renewal is filed. The fee for issuing a replacement or duplicate Rental License shall be one hundred dollars (\$100). When a Rental License is updated to reflect the addition of Dwelling Units to a Dwelling, an additional fee for such Dwelling Units shall be paid, pro-rated for the remaining term of such Rental License.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.11 Appeals. An Owner or Tenant who disagrees with a determination or order of the District Building Official under RPRO, which determination or order concerns his/her Premises, Dwelling, Dwelling Unit, or Rental Unit, may appeal such determination or order to the Executive Committee of the Board of Directors of the District. The appeal shall be filed within ten (10) days after notification of the decision or order is given to the aggrieved party. The appeal shall be in writing on a form provided by the District for such purpose, and shall state the reasons why the appellant disagrees with such determination or order.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.12 Exemptions. The provisions of RPRO shall not apply to:

- (a) An Owner-occupied Dwelling Unit, where such Owner allows joint occupancy of the Dwelling Unit, unless the portion of such unit that is rented or leased to the Tenant constitutes a separate Dwelling Unit as evidenced by separate kitchen facilities.
- (b) Housing that is owned, operated, managed, or maintained by a government agency or authority.
- (c) Housing that is exempted from municipal regulation by state or federal law or administrative regulation.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.13 Violations. Any Person who violates any provision of RPRO shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed fifteen (15) days, or both the amount of the fine and the term of the imprisonment, within the maximum limit set by Section 51-9-127 of the Mississippi Code of 1972, as amended, to be determined by the court.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.14 No Warranty by District. By adopting and undertaking to enforce RPRO, neither the District nor its Board of Directors, agents, or employees warrant or guarantee the safety, fitness, nor suitability of any Premises, Dwelling, Dwelling Unit, or Rental Unit located within the Reservoir Project Area. Owners and Tenants should take whatever lawful steps they deem appropriate to protect their interests, property, health, safety, and welfare.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.15 Severability. Every section, subsection, or provision of RPRO is declared separable from every other section, subsection, or provision to the extent that if any section, subsection, or provision of RPRO shall be held invalid, such holding shall not invalidate any other section, subsection, or provision thereof.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.16 Enforcement.

(a) Discontinuance of water service. The District Building Official may notify the Owner and may post notice at the Rental Unit, Dwelling Unit, Dwelling or Premises that potable water service will be discontinued within no less than sixty days from the date of the notification unless the violation of this regulation is corrected. In order to reinstate water service, the violation must be cured in accordance with the correction orders and the applicable re-connect fee paid, together with any past due water bills.

(b) The District may enforce this Regulation in a court of competent jurisdiction and seek a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed fifteen (15) days, or both the fine and term of imprisonment.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)

Rule 17.17 Effective Date. This Regulation shall take effect on February 27, 2009.

Source: *Miss. Code Ann. § 51-9-127* (Rev. 2000)